

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 7206	DATE	6/7/2002
CASE TITLE	Utility Resource Management etc. Vs. American Hotel etc.et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due ____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Defendant wants to file a counterclaim and plaintiff objects. We refer the motion to Magistrate Keys for ruling.
- (11) ☐ [For further detail see order (on reverse side of/attached to) the original minute order.]

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WAH	courtroom deputy's initials		

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**UTILITY RESOURCE MANAGEMENT)
GROUP, INC.,)**

Plaintiff,)

vs.)

**AMERICAN HOTEL REGISTER CO.,)
et al.,)**

Defendants.)

No. 01 C 7206

DOCKETED

JUN 10 2002

MEMORANDUM OPINION AND ORDER

Defendant wants to file a counterclaim and plaintiff objects. Discovery, which was referred to Magistrate Judge Keys, was still open, with a number of depositions still to be taken. Discovery is to close in July, with defendant having assured Judge Keys that it can complete discovery on the counterclaim by then.

Most of the counterclaim is an offensive repackaging of the defensive position long known to plaintiff. Plaintiff claims it is entitled to compensation under a consulting agreement for recommendations for cost savings it made. Defendant contends otherwise, arguing that plaintiff made a very general recommendation that was not helpful and, at most, broadly included a much more specific business decision defendant had already studied and decided. To that extent the counterclaim can hardly be deemed prejudicial to plaintiff, it should not impact discovery, and it should be allowed.

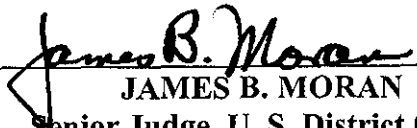
The real crux of the amendment dispute appears to center on defendant's claim that plaintiff, as a way of doing business, makes general recommendations to its clients and then sues for consulting fees for any change within that umbrella. That does mean broader



discovery. But, says defendant, plaintiff dragged its feet in providing information about other claims it had made, and plaintiff was not provided with the information justifying that allegation until just before the motion for leave to file the counterclaim.

If that is so, then defendant should be allowed to go forward. We think, however, that Judge Keys, who has a hands-on knowledge of the course of discovery, is in a far better position than this court to determine whether that is so or what the circumstances may be, and thus to judge whether the introduction of that additional factor now is appropriate. We refer the motion to him for ruling.

June 7, 2002.


JAMES B. MORAN
Senior Judge, U. S. District Court